

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MARYLAND

UNITED STATES OF AMERICA :

v. :

LAFONTE JOHNSON :

Defendant. :

Case No. 20-cr-00443 (JKB-4)

*ORDER: Counsel may submit
a letter to the Court detailing
the alcohol issue. The Court
will then forward the letter to
the BOP. JB 3/8/24*

MOTION FOR MODIFICATION OF PRESENTENCE REPORT OR FOR COURT
ORDERED PARTICIPATION IN THE RESIDENTIAL DRUG TREATMENT
PROGRAM

COMES NOW the Defendant, Mr. Lafonte Johnson, by and through his undersigned counsel, Brian K. McDaniel and the Cochran Firm CD/CRS and hereby requests that this Court allow him to be re-interviewed for the purpose of modification of his Presentence Investigation Report or in the alternative that this Court sign an order allowing his participation in the Residential Drug Treatment Program (hereinafter "RDAP") so that he can address his alcohol dependency while serving his sentence in this matter.

1. On September 1, 2023 the Defendant appeared before this Court and entered a plea of guilty to count 1 of the Superseding Information which charged him with Conspiracy to Distribute a Controlled Substance in violation of 21 U.S.C. Section 846, and 21 U.S.C. Section 841(b)(1)(C).
2. After the change of plea hearing this Court ordered the preparation of a Presentence Investigation Report for the purpose of providing the Court and the parties more detailed information about Mr. Johnson and his life's experiences.
3. During the interview and in preparation for the drafting of the report, Mr. Johnson failed to inform the Probation Officer, Ms. Nicole Wonneman, of the extent of his alcohol use and abuse and as a result, the information was not contained in the final PSI.

4. On January 5, 2024 the Court presided over the sentencing hearing in this matter and sentenced Mr. Johnson to 42 months of incarceration as well as a fine of \$150,000.00. As a condition of the sentence this Court further allowed Mr. Johnson to self-surrender to his designated B.O.P. facility and made a recommendation that he participate in the RDAP program.

5. Counsel for Mr. Johnson has since contacted Probation Officer Wonneman regarding the desire to have Mr. Johnson re-interviewed for the purpose of including the information related to his alcohol use and abuse included in the Presentence Report. Ms. Wonneman has informed this counsel that, as Mr. Johnson has already been sentenced, she would not be allowed to speak with Mr. Johnson or make any modification to his final PSI without an Order from this Court. The failure to include this information in the final report will likely frustrate Mr. Johnson's ability to participate in the RDAP program once he reaches his designated location as it is the report and the information contained therein related to drug and alcohol use which determines whether or not an inmate will be allowed to participate in the program as it is a "need based" admission process. In the alternative, the BOP will honor an Order from this Court mandating Mr. Johnson's participation in the program.

WHEREFORE, Mr. Johnson requests that this Court Order the re-interview of Mr. Johnson by Probation for the purpose of modification of his Presentence Investigation Report so as to reflect his alcohol use and abuse, or in the alternative that the Court Order his participation in the RDAP program once he has reached his designated BOP facility.

Respectfully Submitted,

/s/Brian K. McDaniel
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Counsel for Defendant Lafonte Johnson

/s/Jill Carter

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Counsel for Lafonte Johnson

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of March, 2024, the foregoing Motion for Reconsideration and Modification of Sentence has been served upon counsel for the Government by ECF filing.

/s/Brian K. McDaniel

Brian K. McDaniel, Esq.